

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE MARCH 21, 2013

SENATE BILL

No. 39

Introduced by Senator De León

December 5, 2012

An act to ~~amend Section 25421 of the Public Resources Code, relating to energy, and making an appropriation therefor~~ *add Section 53244 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, De León. ~~Energy: conservation: financial assistance.~~ *Local agencies: public officers: claims and liability.*

(1) Existing law provides for the governance of local agencies and specifically prescribes the rights and duties of their officers and employees. Existing law authorizes local agencies to establish retirement systems for the provision of pension benefits to officers and employees of the agencies and commits the administration of those systems to retirement boards. Existing law establishes a process for making claims on local agencies and excepts from that process applications for money or benefits from a public pension or retirement system.

This bill would limit and specify the remedies available to a local public officer who exercised discretionary authority and who was convicted of a felony for conduct arising out of, or in the performance of, his or her official duties, and who believes that he or she is entitled to a claim against his or her employer for the funding of retirement benefits, however characterized, that have been disallowed by a public retirement system. The bill would specify the claims to which it would apply. The bill would also make a statement of findings.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

~~The Energy Conservation Assistance Act of 1979 requires, until January 1, 2018, the State Energy Resources Conservation and Development Commission to administer the State Energy Conservation Assistance Account, a continuously appropriated account to provide grants and loans to local governments and public institutions to maximize energy use savings.~~

~~This bill would extend the operation of the act to January 1, 2022, and would thereby make an appropriation by extending the time during which the funds in a continuously appropriated account are made available.~~

Vote: $\frac{2}{3}$. Appropriation: ~~yes~~-no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares that local*
 2 *public agencies need protection from disgraced and avaricious*
 3 *public officials who, following conviction for crimes arising out*
 4 *of the performance of their official duties, continue to abuse the*
 5 *public trust by asserting a claim that their former employers owe*
 6 *them the value of pension benefits that the public retirement*
 7 *systems charged with administration of those benefits have*
 8 *rightfully disallowed.*
 9 *SEC. 2. Section 53244 is added to the Government Code, to*
 10 *read:*
 11 *53244. (a) A local public officer, as defined in subdivision (b),*
 12 *who believes that he or she is entitled to claim, from a local public*
 13 *agency employer, for funding of retirement benefits that have been*
 14 *disallowed by a public retirement system, however those benefits*
 15 *may be characterized, including, but not limited to, as lost*

1 compensation, may only pursue that claim through the
2 administrative process and appeal procedure available under the
3 applicable public retirement system. The local public agency
4 employer shall only be responsible for amounts awarded to the
5 local public officer as provided in this subdivision.

6 (b) For the purposes of this section, “local public officer” means
7 a person, either elected or appointed, with all of the following
8 characteristics:

9 (1) The person exercised discretionary, executive authority in
10 his or her employment.

11 (2) The person was convicted of a felony for conduct arising
12 out of, or in the performance of, his or her official duties.

13 (3) This section shall apply to any claim filed prior to January
14 1, 2014, and still pending on that date, and any claim commenced
15 after that date.

16 SEC. 3. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 In order to protect the public from local public officers who are
21 convicted of felonies due to violations of the public trust and who
22 continue to abuse the public trust and rob the taxpayers, it is
23 necessary that this act take effect immediately.

24 ~~SECTION 1. Section 25421 of the Public Resources Code is~~
25 ~~amended to read:~~

26 ~~25421. (a) Except as provided in subdivision (b), this chapter~~
27 ~~shall remain in effect only until January 1, 2022, and as of that~~
28 ~~date is repealed, unless a later enacted statute, which is enacted~~
29 ~~before January 1, 2022, deletes or extends that date.~~

30 ~~(b) Except as specified in subdivisions (c) and (d), all loans~~
31 ~~outstanding as of January 1, 2022, shall continue to be repaid on~~
32 ~~a semiannual basis, as specified in Section 25415, until paid in~~
33 ~~full. All unexpended funds in the State Energy Conservation~~
34 ~~Assistance Account on January 1, 2022, and thereafter shall revert~~
35 ~~to the General Fund.~~

36 ~~(c) To the extent required under applicable bond obligations,~~
37 ~~unexpended funds from the proceeds of bonds sold pursuant to~~
38 ~~Section 25417.5 that remain in the State Energy Conservation~~
39 ~~Assistance Account on January 1, 2022, shall remain in the~~
40 ~~account. These funds shall be expended pursuant to the applicable~~

1 ~~requirements for bond proceeds. Once all applicable bond~~
2 ~~obligations have been satisfied, unexpended funds shall revert to~~
3 ~~the General Fund.~~

4 ~~(d) Unexpended funds from the federal American Recovery and~~
5 ~~Reinvestment Act of 2009 (Public Law 111-5) remaining in the~~
6 ~~State Energy Conservation Assistance Account on January 1, 2018,~~
7 ~~shall revert to the Federal Trust Fund.~~